

Proposition 47

Executive Steering Committee

ISSUE PAPER:
**To Guide the Development of a
Request for Proposals (RFP)**

August 10-11, 2016

Proposition 47 Executive Steering Committee Issue Paper

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1. INTRODUCTION

This Issue Paper is presented to the Proposition 47 (Prop 47) Executive Steering Committee (ESC) as a guide to the Request for Proposals (RFP) development during its August 10 and 11, 2016 meeting.

At its June 2016 meetings, the Prop 47 ESC was provided with an overview of the Board of State and Community Corrections (BSCC) roles and responsibilities and the requirements of Prop 47 and Assembly Bill (AB) 1056.

The binder materials for the August 10 and 11, 2016 ESC meeting include copies of the full texts of Prop 47 and AB 1056, as well as the Public Comment Summary referenced in this Issue Paper.

The purpose of this Issue Paper is to guide a meaningful and focused discussion on key topics and related decision points that will help us develop a Request for Proposal (RFP).

This Issue Paper is broken into sections with corresponding headers. Each section is marked as either “Information Only” or “Action Item.” BSCC staff and ESC co-chairs will guide the discussion through these sections. Please note:

- Sections marked as **Information Only** are there to provide background information and identify requirements or mandates. These sections will generate the discussion that will inform decisions as the group moves along.
- Sections that request input and/or decisions by the ESC are designated as **Action**.

As the group moves through the Issue Paper, staff will be listening to the discussion and taking notes. It is likely that some issues will generate significant discussion. Where the ESC is not able to reach consensus, staff will attempt to identify outstanding issues and suggest next steps. Staff will incorporate the decisions that are made and the priorities discussed into a draft RFP. At a subsequent meeting, the ESC will review the draft RFP and provide feedback. As a part of this process, staff will also lead the ESC in the development of the scoring criteria.

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2. PROPOSED GUIDING PRINCIPLES FOR THE PROP 47 RFP ACTION

At the June meeting, the ESC had a robust discussion about possible guiding principles. Staff have attempted to distill that discussion into the following list. The goal will be to weave these concepts into the RFP throughout the various sections.

- A. Value community partnerships and collaborations.
- B. Encourage culturally competent services and approaches.
- C. Define target populations, especially those populations that are traditionally tougher to serve or have fewer services available.
- D. Have lead public agency applicants identify and address known barriers to serving target populations.
- E. Emphasize client-focused/client-centered and holistic programs and approaches.
- F. Welcome community-based organizations with diverse staffing, including ex-offenders, different educational levels and life experience.
- G. Encourage capacity building for service providers, especially at the grassroots level.
- H. Be mindful of regional equity and geographic diversity, including smaller and rural counties.
- I. Consider various ways to collect data and measure/evaluate outcomes, as well as ways to publish and share information.
- J. Encourage community engagement, where members of the community participate in the identifying, informing, and shaping of policies, goals, services, and solutions.

❖ ESC ACTION: Discuss, recommend changes if necessary, and adopt these principles as the foundation of the RFP.

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3. OVERVIEW OF PROPOSITION 47 AND ASSEMBLY BILL 1056 INFORMATION ONLY

Proposition 47 (Prop 47) requires that 65 percent of the state savings resulting from Prop 47 be deposited into the Safe Neighborhood and Schools Fund for the BSCC to administer as a competitive grant program to public agencies. The proposition lays out the following mandates for the grant program:

Prop 47 Mandated Services	Prop 47 Mandated Service Eligibility (Target Population)
1. Mental health treatment	People convicted of less serious crimes such as those covered by Prop 47, and those who have substance abuse and mental health problems.
2. Substance abuse treatment	
3. Diversion programs	

Assembly Bill 1056 (Statutes of 2015, Chapter 438) expands the target population and establishes additional BSCC priorities for the grant program, as follows:

Grantee	Service Eligibility	Mandated Services	Additional Priority Concepts and/or Services
Lead applicant must be a public agency Permit expansion of capacity of existing programs and prohibition of supplanting.	People who have been arrested, charged with, or convicted of a criminal offense and have a history of mental health or substance use disorders.	Mental health services Substance abuse disorder treatment services Misdemeanor diversion programs Or some combination thereof	<p><u>Prioritize</u> restorative justice</p> <p><u>Prioritize</u> the leveraging of other funding</p> <p><u>Prioritize</u> housing-related assistance that uses evidence-based practices</p> <p><u>Prioritize</u> community-based supportive services such as:</p> <ul style="list-style-type: none"> ▪ Job skills training ▪ Case management ▪ Civil legal services <p><u>Prioritize</u> the leveraging of existing contracts, partnerships, MOUs, or other formal relationships</p> <p><u>Prioritize</u> public agency partnerships with philanthropic or nonprofit organizations</p> <p><u>Prioritize</u> interagency and regional collaborations</p> <p><u>Consider</u> ways to promote services for people with offenses stated in Prop 47 without precluding assistance to a person with other offenses in their history.</p> <p><u>Consider</u> geographic diversity</p> <p><u>Consider</u> appropriate limits for administrative costs/overhead.</p> <p><u>Consider</u> proposals that provide services to juveniles.</p>

4. BSCC REGIONAL MEETINGS AND SUMMARY OF PUBLIC INPUT INFORMATION ONLY

Please see Binder Insert

NOTES:

5. TARGET POPULATION ACTION

The target population in Proposition 47 and AB 1056 is defined as follows:

- Prop 47: People *convicted* of less serious crimes such as those covered by Prop 47, and those who have substance abuse and mental health problems.
- AB 1056: People who have been *arrested, charged with, or convicted* of a criminal offense and have a history of mental health or substance use disorders.

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Is there any further definition of target population needed?
- B. Will proposals include a description of how the target population is identified according to the following criteria:
 - Referral process?
 - Risk/Needs assessment?
 - How clients are identified as having either a mental health or substance use disorder?

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6. STRUCTURE OF SERVICE DELIVERY ACTION

Proposition 47 and AB 1056 require that the following services be *required* or *prioritized*:

- Mental health services (**required**)
- Substance use disorder treatment services (**required**)
- Misdemeanor diversion programs (**required**)
- Restorative justice (**prioritize**)
- Housing-related assistance (**prioritize**)
- Community-based support services (job skills training, case management, civil legal services, etc.) (**prioritize**)

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. How will the applicant address these required and priority services and approaches?
- B. Will there be minimum requirements for service delivery? What are they?
- C. Will applicants score higher or receive preferential points if they address more than one program requirement?
- D. How can this RFP address the additional *priorities* identified in AB 1056?
 - Prioritize proposals that leverage existing contracts, partnerships, memoranda of understanding, or other formal relationships to provide one or more of the services listed above.
 - Prioritize proposals put forth by a public agency in partnership with a philanthropic or non-profit organization.
 - Prioritize proposals that promote interagency and regional collaborations.
- E. How can this RFP address the additional *considerations* identified in AB 1056?
 - Consider ways to promote services for people with offenses stated in Prop 47 without precluding assistance to a person with other offenses in their history.
 - Consider geographic diversity.
 - Consider appropriate limits for administrative costs/overhead.
 - Consider proposals that provide services to juveniles.
- F. Are there services/approaches this RFP will not fund?
- G. How can the proposal best instill or overlay the guiding principles suggested by this ESC?

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7. COMMUNITY ENGAGEMENT AND STRATEGIC PLANNING PROCESS ACTION

Though eligible lead applicants must be public agencies, at its June meetings the ESC agreed that partnerships with community-based service providers and others is critical and one of the key intents of Proposition 47. The ESC further agreed that community partners should be meaningfully engaged and active at all stages of planning, development, implementation and evaluation. As such, the ESC will spend some time discussing the concepts of Community Engagement and Collaboration and how they will fit into the Request for Proposal (RFP).

At its core Community Engagement is:

... the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the well-being of those people. It is a powerful vehicle for bringing about environmental and behavioral changes that will improve the health of the community and its members. It often involves partnerships and coalitions that help mobilize resources and influence systems, change relationships among partners, and serve as catalysts for changing policies, programs, and practices (Center for Disease Control and Prevention, 1997, p 9 – published in CDC, Principles of Community Engagement Second Edition, 2011, p. 3).

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. What does community engagement and collaboration mean for this grant?
 - Specific definitions?
 - Required partnerships?
- B. Does it involve the use of a community governance structure, e.g., a local Steering Committee or Advisory Council?
 - If yes, define parameters (e.g., membership, meeting frequency, decision-making roles, level of involvement, etc.).
- C. Will the lead public agency be required to submit a strategic plan developed in collaboration with their identified community partners?
- D. What type of documentation will be required to establish formal community collaboration (e.g., Letters of Agreement, Memorandum of Understanding, etc.)?
- E. Will the lead public agency explain how and why certain community partners were selected?

- Could include: a description of each proposed community-based service provider and the services it provides, history in the community, ties to the community, years of operation, accomplishments, etc.
- F. Will applicants be required to pass through a portion of their grant award to one or more of their community partners?
- If yes, what is the definition of a community partner? With an emphasis on local, community-based, non-profit, culturally competent, etc. so that the funds get to the ground level?
 - What percent?

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8. REDUCING RACIAL AND ETHNIC DISPARITIES (R.E.D.) ACTION

Research shows that people of color are significantly overrepresented in the criminal and juvenile justice systems in California when compared to the general population. These disparities are the result of numerous interrelated factors. The overrepresentation of people of color in the criminal justice system can be addressed through meaningful dialogue, increased awareness, evaluation and reforms intended to reduce structural inequality.

In other grants, RFPs have requested grantees to consider questions such as: How will the applicant measure its effectiveness with underserved communities? How will the applicant deal with issues of linguistic diversity? What is the nature of the nature of applicant's relationship to the community within the context of the proposed program? Does the proposed program reflect the specific needs of the racially and ethnically diverse communities served?

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Will the Prop 47 RFP include R.E.D. language for the lead agency to consider in the development of its proposal?
- B. Will it be included in the RFP as a stand-alone section or woven into the relevant sections (i.e., target population, community engagement, etc.)?
- C. How could R.E.D. be part of the RFP scoring process?
- D. How could R.E.D. be part of the local evaluation process?

NOTES:

9. ELIGIBILITY TO APPLY ACTION

As per Proposition 47 and AB 1056, eligibility for this grant is restricted to public agencies. AB 1056 defines a Public Agency as:

Public agency means a county, city, whether a general law city or a chartered city, or city and county, the duly constituted governing body of an Indian reservation or Rancheria, a school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, entities that are legislative bodies of a local agency pursuant to subdivision (c) or (d) of Section 54952 of the Government Code, a housing authority organized pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code, a state agency, public district, or other political subdivision of the state, or any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income.

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Can more than one lead public agency within the same jurisdiction submit a proposal (i.e., within the same city/county/Indian Reservation/district)?
- B. Are joint public agency proposals allowable?

If yes, what criteria must be met?

- One public agency designated as the lead applicant agency?
- Should jurisdictions border each other?
- Additional criteria?

- C. Can a lead public agency submit an individual proposal and be part of a joint proposal?

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10. GRANT CYCLE ACTION

There are three issues to consider when discussing the grant cycle for Proposition 47:

- How long will the grantees have to spend the funds?
- How frequently will a new group of grantees be selected?
- How frequently will the BSCC convene a new Executive Steering Committee (ESC), reevaluate program priorities and issue a new Request for Proposal (RFP)?

❖ ESC DECISION POINTS. Consider and make decisions on the following:

A. What is the length of the grant period?

Issues to consider:

- Start-up challenges for grantees (e.g., hiring new staff, competitive subcontracting processes, etc.)
- Local governing board approval
- Forming new partnerships
- Sufficient time for meaningful data collection and evaluation

B. How frequently should the BSCC convene a new ESC and issue a new RFP?

Staff offers the following for consideration:

Two-Year Cycle

	Option A “Move down ranked list”	Option B “Same grantees”	Option C “New grantees”
Year 1	ESC develops RFP, selects grantees, and makes grant awards.		
Year 2	1) No new RFP 2) No new rating 3) Award grants to those next on the list from Year 1	1) Reapplication process 2) No new rating 3) Award same grantees	1) Reissue same RFP 2) ESC meets and rates applications 3) Selects new grantees
Year 3	<i>New cycle, new ESC, new RFP</i>		

Three-Year Cycle

	Option A “Move down ranked list”	Option B “Same grantees”	Option C “New grantees”
Year 1	ESC develops RFP, selects grantees, and makes grant awards.		
Year 2	1) No new RFP 2) No new rating 3) Award grants to those next on the list from Year 1	1) Reapplication process 2) No new rating 3) Award same grantees	1) Reissue same RFP 2) ESC meets and rates applications 3) Selects new grantees
Year 3	Same as Year 2		
Year 4	<i>New cycle, new ESC, new RFP</i>		

Pros and Cons for Options A, B and C

	Option A “Move down ranked list”	Option B “Same grantees”	Option C “New grantees”
# of Grantees	Brings in a fresh set of grantees each year = larger # of grantees	Same grantees each year = fewer total grantees	Brings in a fresh set of grantees each year = larger # of grantees
Funding	Funds awarded to new grantees each year	Funds awarded to same grantees each year	Funds awarded to new grantees each year
Workload	Low administrative workload for BSCC and grantees (new RFP every other year)	Some administrative workload for BSCC and grantees (rotating RFP and reapplication every year)	Greater administrative workload for BSCC (new RFP every year)
ESC Commitment	No work for ESC in Years 2 or 3	No work for ESC in Years 2 or 3	ESC reconvenes for Year in Years 2 and 3 of each cycle to score proposals
Overlap	Year 1 contracts could overlap with final year of preceding cycle, if active grantees are allowed to apply	No overlapping contracts	Year 1 contracts could overlap with final year of preceding cycle, if active grantees are allowed to apply
Ranked List	The ranked list could become outdated or stale after Year 1	N/A	N/A

ADDITIONAL ESC DECISION POINTS:
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- C. Issue a new RFP every two years, three years, other?
- D. Preference for Option A (“Move down ranked list”), B (“Same grantees”), or C (“New grantees”)?
- E. If Option A or C, should a current grantee be allowed or encouraged to apply whenever a new RFP is released?

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11. FUNDING CONSIDERATIONS ACTION

Funding for the Safe Neighborhoods and Schools Fund is defined in statute, as follows:

Government Code § 7599.1.

- (a) On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act.
- (b) Before August 15, 2016, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the Safe Neighborhoods and Schools Fund the total amount calculated pursuant to subdivision (a).

Proposition 47 mandates that 65 percent of the state savings identified in (a) above go to BSCC to administer this grant program. In addition to accrued state savings, the Fiscal Year (FY) 2016-17 budget includes an additional discretionary one time allocation of \$10 million for this grant. Prop 47 funding for FY 2016-17 is shown in the following table:

BSCC Prop 47 Available Grant Funds* in FY 2016-17	
Base Allocation for Grant Awards	\$24,360,000
Supplemental Allocation for FY 2016-17	\$10,000,000
Total Available for Grant Awards	\$35,360,000

**reduced by 5 percent for BSCC grant administration*

❖ **ESC DECISION POINTS. Consider and make decisions on the following:**

- A. Will the funds be divided based on geography or population?
 - a. If yes, how?
 - b. If yes, what amount?
- B. How will applicants compete against other?
- C. Will there be a cap (limit) on the amount of funding a lead public agency can apply for?
 - e.g., \$500 thousand, \$1 million, \$5 million, etc.
- D. Will there be a cap (limit) on the amount of funding a joint application can apply for?
 - e.g., \$500 thousand, \$1 million, \$5 million, \$10 million, etc.

- E. If yes, is the cap a firm figure whether a joint application includes two, three, five or more agencies?
- F. How should/can the proposals leverage other “federal, state, and local funds or other social investments,” such as the following:
- a. Drug Medi-Cal Treatment Program
 - b. Mental Health Services Act
 - c. Community Corrections Grant Program for funding changes to the criminal justice system as required by Chapter 15 of the Statutes of 2011.
 - d. Community Corrections Performance Incentives Act (a state would annually allocate money for purposes related to local probation practices)
 - e. CA Tax Credits of the Revenue and Taxation Code:
 - § 12209: insurer tax credit
 - § 17053.57: personal income tax credit
 - § 23657: corporate tax credit
 - f. Housing and Urban Development funds
 - g. Supportive Services for Veteran Families
 - h. Social Innovation Fund
 - i. Byrne Memorial Justice Assistance Grant (JAG)
- G. Will a description of financial leveraging be included? Will it be a requirement or a way to earn more points?
- H. In light of the priority to leverage other funds, will “match” (i.e., a grantee’s contribution to the grant) be considered?
- I. What level of budget information will be required within the RFP?

Standard line items include: Salaries and Benefits, Services and Supplies, Professional Services, Community-Based Organization Contracts, Indirect Costs, Fixed Assets/Equipment, Data Collection/Evaluation and Other.

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12. IMPACT TO LOCAL GOVERNMENT PARTNERS ACTION

AB 1056 specifically encourages the development of proposals that leverage existing contracts, partnerships, memoranda of understanding, or other formal relationships to provide the services identified. As such, projects proposed under this grant program could have unforeseen or unintended impacts on local government agencies (e.g., a significant increase in referrals to county behavioral health, lack of coordination between local agencies that provide similar services, duplication of services, etc.). It could also prevent a proposed project from operating as intended.

The ESC might consider ways in which the lead public agency could or should address this when developing a proposal.

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Will proposals require the lead public agency identify and include a description of potential impacts the proposed project might have on other government agencies?
- B. What type of documentation will be required to demonstrate that the lead public agency and other impacted government agencies are communicating and supportive of efforts?

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13. PRE-QUALIFICATION PROCESS ACTION

Staff anticipate a large number of proposals will be submitted in response to this RFP. It is not feasible for ESC members to read and rate what could be in the range of 100 or more proposals. Staff recommend a preliminary review process to screen out the lower scored proposals through an initial review process. Staff recommend that the RFP process require the submission of a full proposal and a Grant Summary at the same time. For the pre-qualification process, ESC members initially would read and score only the Grant Summary. The Grant Summary would be no more than five (5) pages and would address the following:

- Establish applicant eligibility.
- Establish that minimum program requirements are met.
- Include sections covering the following topics:
 - *TBD by the ESC*
- Establish that requested funding does not exceed funding for any cap on individual applications or joint applications.

ESC members would use a quantitative process to score the Grant Summaries. Staff suggests the following scale be used:

Recommend Rating Scale for the Pre-Qualification Process	
Rating Scale	
	0 = Not met
0 to 3 Range	1 = Partially met
	2 = Fully met
	3 = Exceeded

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Will BSCC use the pre-qualification process outlined above?
- B. If so, what sections or items should be included in the Grant Summary (e.g., Project Description, Goals & Objectives, Budget Table and Narrative, Letters of Agreement, etc.)?

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14. BSCC STAFF TECHNICAL REVIEW ACTION

As a part of all competitive grant processes, BSCC staff review materials submitted by the applicants to determine whether they meet the RFP requirements. In order to avoid having otherwise worthy proposals eliminated from consideration due to relatively minor and easily corrected errors or omissions, BSCC provides applicants an opportunity to respond to minor deficiencies identified during this review process and to make non-substantive changes that bring the proposal into technical compliance.

The BSCC routinely reviews the following items as a part of the technical review process:

- Proposal meets all format requirements (font, spacing and page limitations)
- Proposed budget meets all requirements
- Proposal contains all required signatures

❖ ESC DECISION POINTS. Consider and make decisions on the following:

Are there other items that should be included as a part of the technical review process (in addition to the items listed above)?

- For the Grant Summary (pre-qualification process)
- For the full Proposal

NOTES:

15. PROMISING, DATA-DRIVEN AND INNOVATIVE APPROACHES ACTION

Whenever possible, BSCC encourages grantees to employ the core principles of evidence-based practice (EBP), which places an emphasis on achieving measurable outcomes, and making sure the services provided and the resources utilized are effective.

While grantees are encouraged to develop projects that incorporate the principles of evidence-based practice, BSCC also recognizes that services must be tailored to fit the needs of the communities within which they serve. Innovation and creativity are permitted, but with an eye toward using existing data and research on best practices in this field.

The following language is provided as an example of what has been used in recent RFPs for similar grant programs:

“Applicants seeking funding through this grant process will be required to demonstrate that they will adhere to the basic principles of evidence-based practice (e.g., using data and research to drive decision-making) in the development, implementation and evaluation of their overall projects.

The concept of evidence-based practice was developed outside of criminal justice and is commonly used in other applied fields such as medicine, nursing and social work. In criminal justice, this term marks a significant shift by emphasizing measurable outcomes and ensuring that services and resources are actually effective in achieving the desired outcomes.

The BSCC is committed to supporting this focus on better outcomes for the entire criminal justice system and for those involved in it. For the purpose of this RFP, applicants should focus on the following three basic principles:

- 1. Is there evidence or data to suggest that the intervention or strategy is likely to work, i.e., produce a desired benefit?** *For example, was the intervention or strategy you selected used by another jurisdiction with documented positive results? Is there published research on the intervention you are choosing to implement showing its effectiveness? Is the intervention or strategy being used by another jurisdiction with a similar problem and similar target population?*
- 2. Once an intervention or strategy is selected, will you be able to demonstrate that it is being carried out as intended?** *For example, does this intervention or strategy provide for a way to monitor quality control or continuous quality improvement? If this intervention or strategy was implemented in another jurisdiction, are there procedures in place to ensure that that you are following the model closely (so that you are more likely to achieve the desired outcomes)?*
- 3. Is there a plan to collect evidence or data that will allow for an evaluation of whether the intervention or strategy worked?** *For example, will the intervention or strategy you selected allow for the collection of data or other evidence so that outcomes can be measured at the conclusion of the project? Do you have processes in place to identify, collect and analyze that data/evidence?*

Applicants are encouraged to develop an overall project that incorporates these principles, but is tailored to fit the needs of the communities within which they serve. Innovation and creativity are encouraged, but with an eye toward using existing data and research on best practices in this field. Plans to measure the effectiveness of a project should include the use of both qualitative and quantitative research. While quantitative research is based on numbers and mathematical calculations, qualitative research is based on written or spoken narratives. The purpose of quantitative research is to explain, predict and/or control events through focused collection of numerical data, while the purpose of qualitative research is to explain and gain insight and understanding of events through intensive collection of narrative data.”

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Is the BSCC approach to evidence-based practice appropriate for this RFP?
- B. If not, what modifications are necessary?

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16. DATA COLLECTION AND EVALUATION ACTION

At its June meetings, the ESC identified the importance of data collection in order to measure outcomes. To ensure that projects funded by the BSCC can be evaluated, BSCC typically requires applicants to describe up front their plan for evaluating a proposed project, to include goals and objectives, plans for data collection, process measures, and outcome measures, etc. Once a grant is awarded, grantees are required to submit a formal Local Evaluation Plan. At the conclusion of the grant, grantees are required to submit a Final Evaluation Report. Applicants are sometimes required to set aside a percentage of the grant award to fund these activities.

❖ ESC DECISION POINTS. Consider and make decisions on the following:

- A. Require the lead agency to include a preliminary plan for evaluation in the proposal?
- B. Require grantees to submit a formal Local Evaluation Plan?
- C. Require grantees to submit a Final Evaluation Report?
- D. Require lead public agency to dedicate a minimum amount to data collection and evaluation efforts?
- E. Require the lead public agency to partner with a college, university, or professional evaluator?

NOTES: